

Proposed Section of the Arizona Code of Judicial Administration

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Part:

Chapter:

Section: Operational Standards for Interactive Audiovisual Proceedings in Criminal Cases

A. Purpose. An interactive audiovisual proceeding pursuant to Rule 1.6, Rules of Criminal Procedure, is typically conducted to expedite court proceedings, to enhance court security and to promote cost savings. Notwithstanding, an interactive audiovisual proceeding in a criminal case shall attempt to make the remote participant's appearance as similar to a virtual, in-person courtroom experience as possible. The dignity and solemnity of an interactive audiovisual experience shall equate to that of an in-court proceeding. The remote location shall be viewed as an extension of the courtroom.

B. Technical requirements.

1. COT standards. The Commission on Technology ("COT") shall adopt minimum technical standards for interactive audiovisual technology for all new, remodeled, or existing court facilities. These standards at a minimum shall enable the participants at a remote location to clearly see and hear proceedings in the courtroom, shall enable those in the courtroom to clearly see and hear the participants at the remote location, and shall provide for sufficient picture clarity to see the facial expressions of the judge, the defendant, and all others who are speaking. COT shall review these standards periodically to identify areas requiring updating or revision.

2. Local court policies. Every local presiding judge shall establish operating policies for utilizing an interactive audiovisual system in criminal cases, subject to the approval of the presiding superior court judge in that county. The local operating policies shall take into consideration the operational challenges presented by the local court's staff resources, courtrooms and offsite facilities, and technical infrastructure. In adopting policies for existing systems, the local court shall seek input from all relevant stakeholders, which may include judicial officers, court personnel, prosecutors, defenders, law enforcement, victims' representatives, interpreters, and court reporters. Relevant stakeholders shall also be involved in the planning process for any new or remodeled court facility as it relates to the installation of technology for interactive audiovisual systems.

C. Operational Requirements.

1. Confidential communications. A means of confidential communications between a defendant who is in a jail, and defense counsel who may be in the courtroom, must be provided and must be available before, during, and immediately after the proceeding.

2. Remote site. The remote site shall be a room or area dedicated to interactive audiovisual

proceedings; and if no such area is available, then a room or area which promotes the decorum of the proceeding, and which is free of extraneous activity and sounds. The remote room or area shall be furnished with seating and a work surface for defendant and defense counsel.

3. View of courtroom. The interactive audiovisual system shall be installed to permit defendants and counsel at remote locations to view and hear the judge, any witness, the gallery, and all parties present in the courtroom.

4. Courtroom monitors and projected images. Monitors and projected images in the courtroom shall be of sufficient size and placement to allow participants and spectators in the courtroom (including family, victims, the media, and members of the public) to clearly view and hear the participants in attendance at the remote location.

5. Interpreters. During proceedings for which interpreters are utilized (including sign language interpreters), the judicial officer shall assure that the interpreter can clearly communicate with those persons who are speaking or listening.

6. Court reporters. In proceedings where court reporters are utilized, the judicial officer shall assure that the court reporter can clearly see and hear those persons who are speaking, and that the court reporter has an accessible microphone that would permit the reporter to interrupt the proceeding if necessary.

7. Documents. A defendant who appears from a remote location shall be provided in a timely manner with hard copies of any documents, such as charging documents or plea agreements, necessary for the proceedings.

8. System check. A system check shall be made by court staff to guarantee proper operation of an interactive audiovisual system each day prior to court proceedings. The court shall establish a procedure for staff to follow in the event of a system malfunction.

9. Judicial authority and discretion. The judicial officer conducting an interactive audiovisual proceeding shall retain authority over all aspects of the proceeding. The judicial officer conducting a proceeding through an interactive audiovisual system shall have discretion to discontinue any proceeding where conditions arise that detract from the fairness of the proceeding, or if matters occur during the proceeding that would warrant conducting the proceeding with the defendant's personal appearance in the courtroom.

D. Recommended practices. This subsection identifies best practices for using interactive audiovisual systems.

1. Training. Judicial officers, judicial staff, and attorneys who participate in or who appear at interactive audiovisual proceedings should receive training on interactive audiovisual procedures and on how to optimize the use of interactive audiovisual equipment. This may include increasing their awareness of what is being shown on the monitors or screens in court and at the remote site; where to stand and how to speak to assure that everyone can be seen and heard; and how to make effective use of non-verbal communications, such as eye contact and gestures.

2. Site review. Court staff should conduct periodic reviews of remote locations used for interactive audiovisual proceedings to establish that the lighting, the sound, the setting, and the visual appearance of the remote locations promote fairness and appropriate court decorum.

3. Equipment. Multiple cameras and microphones should be used as required by the complexity of a proceeding. High definition monitors and projectors are preferred over conventional ones.